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In re Application of :
DASSOULAS, Stephen, C., et al. : COMMUNICATION
U.S. Application No.: 09/890164 :
PCT No.: PCT/US00/01609 :
International Filing Date: 24 January 2000 :
Priority Date: 25 January 1999 :
Attorney's Docket No.: 0275Y0312USB :
For: SAW BLADE FOR CUTTING FIBER CEMENT :

This Communication is issued in response to applicants' 22 March 2002 submission in response to the Notification Of Missing Requirements mailed 12 September 2001.

BACKGROUND

On 24 January 2000, applicants filed international application PCT/US00/01609 which claimed a priority date of 25 January 1999 and which designated the United States. A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 July 2001.

On 25 July 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 12 September 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. The Notification also informed applicants that the failure to submit the declaration within two months of the date of the Notification would result in abandonment of the application.

On 22 March 2002, applicants filed the submission considered herein. This submission included a 12 March 2002 certification of mailing under 37 CFR 1.8 and a petition/fee for a four month extension of time. Based on the certification and extension, this submission is considered a timely response to the Notification Of Missing Requirements mailed 12 September 2001. The submission includes declarations executed by five of the six inventors, and a statement that the nonsigning inventor is deceased, the executor of his estate has been contacted, and a declaration executed on behalf of the deceased inventor should be submitted shortly.

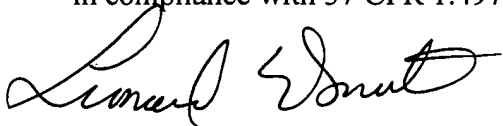
DISCUSSION

37 CFR 1.497 requires a declaration that is executed by all of the inventors. In the case of a deceased inventor, a declaration executed by the legal representative of the deceased inventor may be submitted pursuant to 37 CFR 1.42. Any such declaration must comply with the requirements of 37 CFR 1.497(b)(2).

Because applicants have not submitted a fully executed declaration or a proper submission under 37 CFR 1.42 and 37 CFR 1.497(b)(2), the 22 March 2002 submission is not a complete response to the Notification Of Missing Requirements mailed 12 September 2001. The declaration requirement of 35 U.S.C. 371(c)(4) remains unsatisfied.

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision, including the mailing of a Notification Of A Defective Response (Form PCT/DO/EO/916) indicating that applicants' response to the Notification Of Missing Requirements failed to include an acceptable declaration in compliance with 37 CFR 1.497.



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